

1 [Adopting findings related to affirming the categorical exemption issued for 317 Cortland
2 Street.]

3 **Motion adopting findings related to affirming the determination by the Planning**
4 **Department that the 317 Cortland Street project is categorically exempt from**
5 **environmental review under the California Environmental Quality Act.**
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8 On June 21, 2007, the Environmental Review Office of the San Francisco Planning
9 department issued a certificate of determination of exemption/exclusion from environmental
10 review (the "determination") for demolition of an existing 500 square-foot 2-car parking
11 structure and construction of a 35-foot tall, 3,820 square-foot, three-story mixed-use building
12 with two dwelling units over a 1,590 square-foot commercial space with no off-street parking,
13 located at 317 Cortland Street (the "Project").

14 By letter to the Clerk of the Board of Supervisors dated July 16, 2007, Gordon Thrupp,
15 Robin Mackey, Suzanne Landucci, Donna Roberts, Caroline Peel and Bloum Cardenas
16 ("Appellants") filed an appeal of the determination to the Board of Supervisors, which the
17 Clerk of the Board of Supervisors received on or around July 18, 2007.

18 On September 25, 2007, this Board held a duly noticed public hearing to consider the
19 appeal of the determination and following the public hearing affirmed the determination of the
20 Planning Department that the Project is categorically exempt from CEQA.

21 In reviewing the appeal of the categorical exemption determination, this Board
22 reviewed and considered the written record before the Board and all of the public comments
23 made in support of and opposed to the appeal. Following the conclusion of the public
24 hearing, the Board affirmed the Planning Department's categorical exemption determination
25 for 317 Cortland Street based on the written record before the Board as well as all of the

1 testimony at the public hearing in support of and opposed to the appeal. Said Motion and
2 written record is in the Clerk of the Board of Supervisors File No. 071071 and is incorporated
3 herein as though set forth in its entirety.

4 In regard to said decision, this Board made certain findings specifying the basis for its
5 decision to affirm the Planning Department's approval of the determination for 317 Cortland
6 Street based on the whole record before the Board including the written record in File No.
7 071070, which is hereby declared to be a part of this motion as if set forth fully herein; the
8 written submissions to and official written records of the Planning Department determination
9 related to the 317 Cortland Street project; the official written and oral testimony at and audio
10 and video records of the public hearing in support of and opposed to the appeal and
11 deliberation of the oral and written testimony at the public hearing before the Board of
12 Supervisors by all parties and the public in support of and opposed to the appeal of the
13 categorical exemption.

14 NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and
15 County of San Francisco hereby adopts as its own and incorporates by reference herein, as
16 though fully set forth, the determination made by the Planning Department on June 21, 2007,
17 that the 317 Cortland Street project is categorical exempt from environmental review under
18 Class 1 and Class 3 as defined in CEQA Guidelines Sections 15301 and 15303.

19 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
20 record before it there are no substantial Project changes, no substantial changes in Project
21 circumstances, and no new information of substantial importance that would change the
22 conclusions set forth in the determination by the Planning Department that the proposed
23 Project is exempt/excluded from environmental review.

24 FURTHER MOVED, That after carefully considering the appeal of the categorical
25 exemption, including the written information submitted to the Board and the public testimony

1 presented to the Board at the hearing on September 25, 2007, this Board concludes that there
2 is not a reasonable possibility that the project will have a significant effect on the environment
3 due to unusual circumstances within the meaning of CIA Guidelines Section 15300.2 that
4 would require the preparation of a negative declaration or an environmental impact report for
5 the Project under the California Environmental Quality Act and CIA Guidelines for the
6 following reasons: (1) elevated levels of soil vapors from perchloroethylene found at the site
7 and associated with a former dry cleaner establishment located at the adjacent property are
8 being adequately addressed by the property owner who has entered into a voluntary remedial
9 action program agreement with the San Francisco Department of Public Health (DPH), (2)
10 under the remedial plan approved by DPH, the property owner is required to install beneath
11 the proposed new building a vapor collection system with a wind driven turbine to extract
12 vapors and to collect bi-annual vapor samples and analyze and report on the results to the
13 DPH, (3) DPH retains jurisdiction over the site and may require further monitoring or
14 remediation if it determines such additional action is necessary, and (4) the Bay Area
15 Regional Water Quality Control Board has reviewed the remedial action plan for the site and
16 concurred in writing to DPH that the site characterization and remedial measures required by
17 DPH are sufficient.

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